

### Amendments to the Claims

Claim 1 (previously amended): A transgenic plant expressing an N gene, having enhanced resistance to a plant disease-causing agent selected from the group consisting of tobamoviruses, elicitin-producing fungi, parasiticein-producing fungi, cryptogein-producing fungi, harpin-producing bacteria, tobacco mosaic virus and Phytophthora fungi; wherein said transgenic plant is stably transformed with a nucleic acid construct comprising the figwort mosaic virus 35S promoter operably linked to a nucleic acid molecule selected from the group consisting of a sequence set forth in SEQ ID NO:1 or a sequence having 90% sequence identity therewith encoding a functional kinase enzyme, said nucleic acid molecule being expressible in a plant cell.

Claim 2 (cancelled)

Claim 3 (cancelled)

Claim 4 (previously amended): A transgenic plant expressing an N gene, having enhanced resistance to a plant disease-causing agent selected from the group consisting of tobamoviruses, elicitin-producing fungi, parasiticein-producing fungi, cryptogein-producing fungi, harpin-producing bacteria, tobacco mosaic virus and Phytophthora fungi; wherein said transgenic plant is stably transformed with a nucleic acid construct comprising an inducible promoter operably linked to a nucleic acid molecule selected from the group consisting of a sequence set forth in SEQ ID NO:1 or a sequence having 90% sequence identity therewith encoding a functional kinase enzyme, said nucleic acid molecule being expressible in a plant cell.

Claim 5 (original): The transgenic plant of claim 4, wherein the inducible promoter is a tetracycline repressor/operator controlled promoter.

Claim 6 (cancelled)

Claim 7 (previously amended): The transgenic plant of claim 1, wherein said transgenic plant has enhanced resistance to the tobacco mosaic virus.

Claim 8 (cancelled)

Claim 9 (cancelled)

Claim 10 (previously amended): A method of making a transgenic plant expressing the N gene, having enhanced disease resistance comprising:

a) transforming regenerable cells of a plant with a recombinant DNA construct comprising a figwort mosaic virus 35S promoter operably linked to a nucleic acid molecule selected from the group consisting of a sequence set forth in SEQ ID NO:1 or a sequence having 90% sequence identity therewith encoding a functional kinase enzyme, expressible in a plant; and

b) regenerating a transgenic plant from said transformed regenerable cells, said transgenic plant having enhanced disease resistance to a plant disease-causing agent selected from the group consisting of, tobamoviruses, elicitor-producing fungi, parasiticein-producing fungi, cryptogeiin-producing fungi, harpin-producing bacteria, tobacco mosaic virus and Phytophthora fungi.

Claim 11 (cancelled)

Claim 12 (cancelled)

Claim 13 (previously amended): The method of claim 10, wherein the nucleic acid molecule is from tobacco.

Claim 14 (cancelled)

Claim 15 (previously amended): The method of claim 10, wherein said transgenic plant is tobacco and has enhanced resistance to tobacco mosaic virus.

Claim 16 (previously amended): The method of claim 10, wherein said transgenic tobacco plant has enhanced resistance to species of the fungal genus *Phytophthora*.

Claim 17 (cancelled)

Claim 18 (previously added): A method of making a transgenic plant expressing the N gene, having enhanced disease resistance comprising:

a) transforming regenerable cells of a plant with a recombinant DNA construct comprising an inducible promoter operably linked to a nucleic acid molecule selected from the group consisting of a sequence set forth in SEQ ID NO:1 or a sequence having 90% sequence identity therewith encoding a functional kinase enzyme, expressible in a plant; and

b) regenerating a transgenic plant from said transformed regenerable cells, said transgenic plant having enhanced disease resistance to a plant disease-causing agent selected from the group consisting of, tobamoviruses, elicitor-

producing fungi, parasiticein-producing fungi, cryptogein-producing fungi, harpin-producing bacteria, tobacco mosaic virus and Phytophthora fungi.

Claim 19 (previously added): The method of claim 18, wherein the inducible promoter is a tetracycline repressor/operator controlled promoter.